

18. (Amended) The chest according to claim 11, including a spacer located between two supports on said mast.

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cont 19. (Amended) The chest according to claim 11, including a retractable guide for facilitating insertion of said supports.

20. (Amended) The chest according to claim 11, including castors on the bottom of the chest.

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/Cancel claim 15 without prejudice, as the subject matter thereof is not illustrated in the drawings.

#### **Remarks**

The examiner's reconsideration of the application is requested in view of the amendment above and comments which follow. No new issues are raised, it is submitted, which will become apparent from the discussion below.

Taking the matters raised by the examiner in turn, in numbered paragraph 2 on page 2 of the office action, the proposed correction of Figure 2 has been disapproved because allegedly the original disclosure did not support showing of the reference "10" in the amended figure. That is not understood. The specification clearly speaks of lifting means (without the 10) in the paragraph spanning lines 13 through 21 of page 3. Then, in the text beginning on line 30, the specification explains that the mast can be moved by any known

means, and in the next paragraph, specifically speaks of a gas spring. Thus, there is clearly adequate disclosure for the addition to figure 2, and the examiner's reconsideration is requested.

Regarding numbered paragraph 3 of the office action, since the spring of claim 15 was not shown as such in the drawings, claim 15 has been deleted. However, the grooves are shown in the drawings, and claim 17 has been retained. The specification has been amended above to identify the grooves with the reference numeral 11, and the proposed drawing change specifically refers to the grooves as illustrated, already, in the drawings. Approval is therefore requested, and no new matter is introduced since the grooves are already shown in the drawing figures.

In numbered paragraph 5 on page 3 of the office action, the examiner has rejected claims 12 – 20 under 35 U.S.C. §112 as being indefinite. The examiner's proposed change has been adopted in the above amendments of the claims. Again, no new issues are presented, and no further amendments of the claims are proposed.

In numbered paragraphs 8, 9, 10 and 11, the examiner has rejected certain of the claims of the application, including independent claim 11, as being anticipated under 35 U.S.C. §102 by either Powder, Bohata, Smith or Longmire. Reconsideration is requested.

Powder discloses a refrigerator provided with a vertical rack 21 on which the selves are fixed. The rack 21 corresponds to the mast of the present application, yet as specifically stated in Powder, the mast “is rigidly secured by suitable screws or bolts to an upright sidewall 11 of chamber 12” (column 2, line 72 – column 3, line 2). With the rack being secured in this manner, there obviously is, and can be, no lifting means for moving the rack in the vertical direction, as specifically claimed in claim 11 of the present application (“the chest having lifting means in the chest for moving the mast in vertical translation”). In Powder, the rack is fixed and the shelves can be moved along the rack. In the claimed invention of the present application, the shelves cannot move in translation along the mast, but the mast is movable in vertical translation. It is submitted that this concept, as claimed, is quite different from Powder, and the claims distinguish from Powder.

Bohata is directed to a truck having a lifting device mounted on the bed of the truck. There is no chest of any kind, as claimed in claim 11. There is merely a support mast, upon which a single fork 100 is located. Claim 11 specifically requires a chest (which as one would normally understand a chest to be, has sidewalls, a bottom and a lid), and claim 11 also requires supports (in the plural), neither of which is found in Bohata. Furthermore, the single support of Bohata is movable along an axis that is perpendicular to Bohata’s mast, while claim 11 requires that the supports be movable in rotation about an axis that coincides with the axis of the mast. That is impossible in Bohata. It is submitted that claim 11, therefore distinguishes from Bohata.

Smith is directed to an IV carousel which can be located in a refrigerator 40. In dealing with Smith, the examiner asserts that Smith has the claimed lifting means, since one could manually move the mast assembly to a desired height. While it is true that the carousel can be moved up or down, that is done manually. There is nothing in Smith to suggest a lifting means, as such is disclosed and described in the present application. While the examiner is certainly entitled to give the claims the broadest reasonable interpretation, it is submitted that the examiner's interpretation is unreasonable, given the disclosure of the present application, where the application describes use of a specific apparatus as the lifting means, that apparatus being any known means which is "electrical, pneumatic or hydraulic", as well as a mechanical system with counterweights, but the preferred means is a gas spring. The lifting means of the present application clearly is described as a device, and not simply one's manually moving something to a desired height. Since Smith discloses no lifting means as specifically claimed in claim 11, it is submitted that the claims distinguish from Smith.

Longmire is directed to an elevator shelf unit used in combination with a cabinet. This includes a vertical sleeve 22 on which the shelves 26 are fixed. There is a lifting means for moving the sleeve in vertical translation. However, as set forth in Longmire, the shelves are secured to the sleeve 22 by a flanged collar 30 and a set screw 32 (column 1, lines 54 – 55). Thus, the shelves are not movable in rotation about the sleeve. While the sleeve may be rotateably supported on the rod 14, this is different from the invention of the present application because each shelf of Longmire always has the same position in relation to the

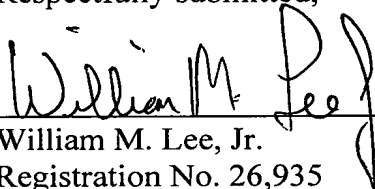
sleeve. In the invention of the present application, the supports are movable in rotation about an axis which coincides with the mast.

Given the above, it is submitted that the claims do distinguish from the prior art, and the application is in condition for allowance. The examiner's further and favorable reconsideration in that regard is urged.

Given the filing of this response at practically the end of the sixth month following the examiner's office action, an appropriate petition for extension of time is submitted herewith. Also, given the timing, an RCE is filed, as well.

January 9, 2003

Respectfully submitted,

  
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**Version With Markings To Show Changes Made**

Page 4, lines 23 – 28:

With reference to Figure 3, a preferred support, i.e. a fork, comprises two tines provided with facing grooves 11. A tray 3 carrying a culinary preparation is inserted in the grooves 11 which also serve to hold it. In addition, the forks are adjustable so that they can accommodate trays of different sizes.

**Claims:**

12. (Amended) [A]The chest according to claim 11, suitable for maintaining a constant temperature.

13. (Amended) [A]The chest according to claim 11, in which said mast is adjacent to one of its vertical edges.

14. (Amended) [A]The chest according to claim 11, including a housing for thermal blocks.

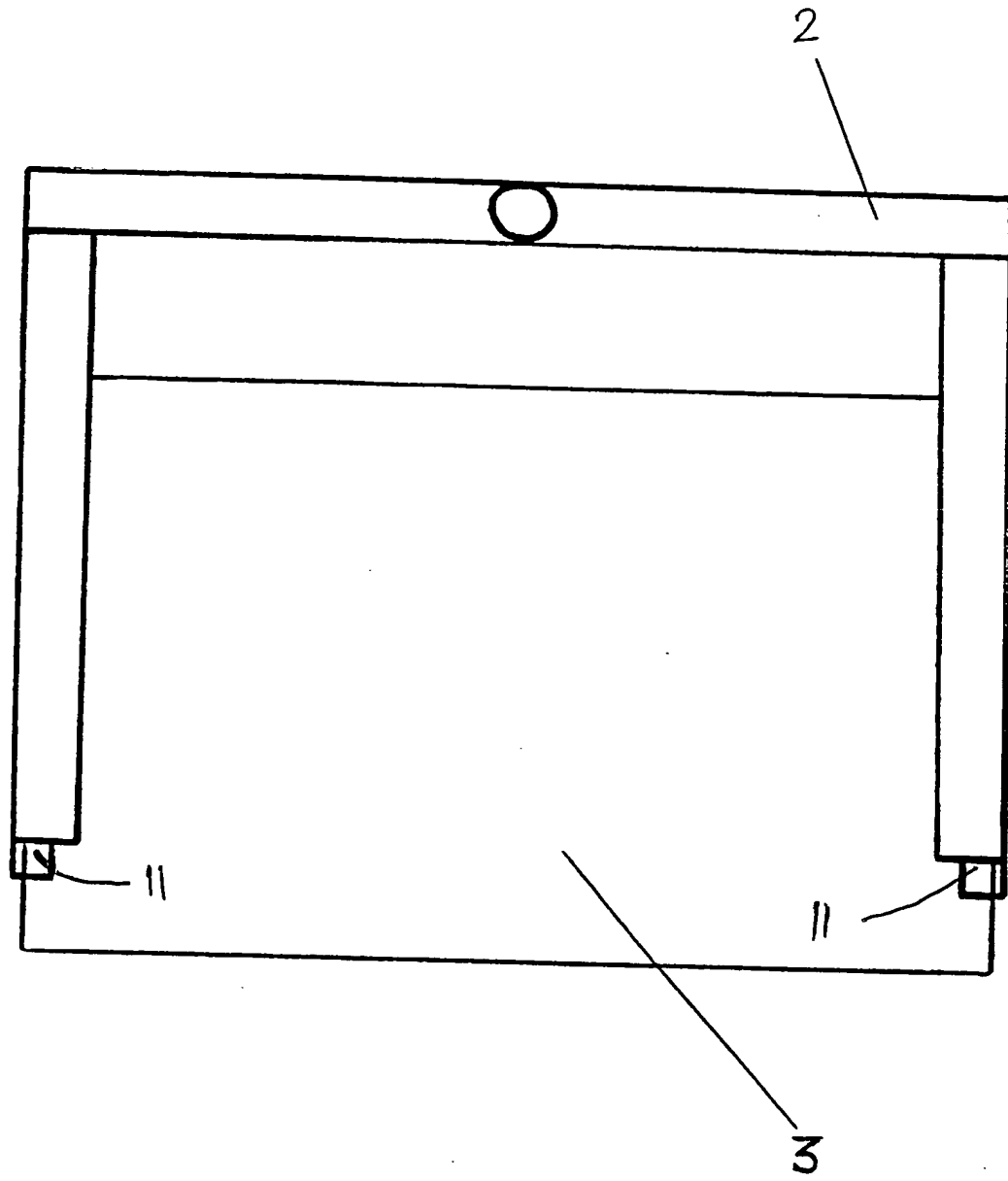
16. (Amended) [A]The chest according to claim 11, including a lid which, in an open position, forms two horizontal shelves.

17. (Amended) [A]The chest according to claim 11, in which said supports include adjustable forks having two tines provided with facing grooves.

• 18. (Amended) [A]The chest according to claim 11, including a spacer located between two supports on said mast.

19. (Amended) [A]The chest according to claim 11, including a retractable guide for facilitating insertion of said supports.

• 20. (Amended) [A]The chest according to claim 11, including castors on the bottom of the chest.



Approved for 1/24/03

FIG. 3